IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 1157 OF 2005

Smt. Anita Anant Gaikar ... Appellant

V/s

Shri Anant Shankar Gaikar ... Respondent

Mr. Ambar Joshi for the appellant.

CORAM: P.V. KAKADE, J.
DATED: 19TH SEPT., 2005

P.C.:

1. The appellant wife has filed this appeal against the judgment and order passed by the Addl. District Judge, Raigad at Alibag dated 29.1.2005.

2. So far as the confirmation of the lower Court's order regarding quantum of alimony is concerned, the Trial Court, while adjudicating the marriage petition under Sec. 13 (1)(i)(a) of the Hindu Marriage Act also decided the question of alimony while allowing divorce to the parties. The petitioner husband was directed to pay permanent alimony of Rs.1000/- to the respondent wife from the date of filing of the petition till her life time unless there is any change in the circumstances. The said order was confirmed by the

lower appellate Court in the course of the appeal preferred by both parties and hence the present appeal.

3. The Trial Court came to the conclusion that though the respondent wife had claimed permanent alimony of Rs.3000/- p.m., the amount of Rs.500/- p.m. was already awarded towards maintenance under Sec. 125 of Cr.P.C. to the wife and, therefore, it was just and proper to grant further alimony under Sec. 25 of the Hindu Marriage Act of Rs.1000/- p.m. as directed by the trial Court. This reasoning and findings were accepted by the lower appellate Court.

4. After hearing learned counsel for the appellant, it is apparent that there is absolutely no evidence on record to support the demand for permanent alimony of Rs.3000/- or to the tune of Rs.5000/- p.m. from the respondent husband and, therefore, I have no doubt whatsoever that the permanent alimony contemplated under Sec. 25 of the Hindu Marriage Act, which is granted at Rs.1000/- p.m. by the Trial Court and confirmed by the appellate Court is just, legal and proper and, it would brook no interference.

In the result, the appeal stands dismissed with no order

as to costs.

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